

***IN THE HIGH COURT OF DELHI AT NEW DELHI**

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W.P.(C) 6248/2002

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Date of decision: 30th April, 2010

VIJAY KUMAR GOYAL

..... Petitioner

Through: Mr. Nitin Singh, Advocate.

Versus

COMMR. WORKMEN COMPENSATION DELHI & ANR. ... Respondent

Through: Mr. Puneet Saini & Mr. R.P. Tiwari,
Advocates for R-2.

CORAM :-

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

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| 1. | Whether reporters of Local papers may be allowed to see the judgment? | No |
| 2. | To be referred to the reporter or not? | No |
| 3. | Whether the judgment should be reported in the Digest? | No |

RAJIV SAHAI ENDLAW, J.

1. This writ petition has been preferred by the petitioner with respect to the order dated 5th April, 2004 of the Commissioner Workman Compensation Act dismissing the application of the petitioner for setting aside of the ex parte award of Rs.1,89,560/- against the petitioner and in favour of the respondent no.2 workman. The respondent no.2 workman has already received Rs. 1 lac in enforcement of the said award and the counsel for the petitioner states that a bank guarantee for the balance amount was furnished before the Commissioner Workman Compensation Act. The counsel for the respondent no.2 workman present in court under instructions from the respondent no.2 workman however states that the entire awarded amount has been received by the respondent no.2 workman.

2. The counsel for the petitioner though not aware of the said fact, on verification confirms the same. The counsel for the petitioner further states that though the petitioner is entitled to still challenge the award and in the event of succeeding to recover back the

monies from the respondent no.2 but seeing the impracticality of the whole exercise, has agreed to settle with the respondent no.2 workman. The respondent no.2 workman present in court in person states that he is now left with no further claims whatsoever against the petitioner and has not instituted any other proceedings or complaints against the petitioner and has undertaken to in future also not institute any proceedings or claims against the petitioner.

This writ petition is thus disposed of in terms of the aforesaid settlement arrived at between the parties leaving the parties to bear their own costs.

**RAJIV SAHAI ENDLAW
(JUDGE)**

30th April, 2010
m/pp